

# Washington State Board of Registration for Landscape Architects

Number 1 ■ Spring 2003

## Message from the Chair

*By M. Jim Yamaguchi, Chair*

I would like to extend my greetings to everyone in this first edition of the newsletter published by the State Board of Registration for Landscape Architects. Now is a fitting time to publish this newsletter, because there have been lots of changes to both the state administrative rules and laws and to the examination process. As you may have read or heard already,

- applicants can now take the Landscape Architect Registration Examination (LARE) immediately after successfully completing their education requirements.
- the supplemental exam now requires review of several state and federal laws relating to the practice of landscape architecture, and
- we have a new law, the Uniform Regulation of Business and Professions Act (URBP), that strengthens the disciplinary process.

All of these changes have not come easily. They came about after several years of discussions, meetings, meetings with legal counsel, and then more discussions. Recent and future graduates of landscape architecture programs at accredited colleges will surely benefit now that they have the opportunity to take the first giant steps toward licensure right out of school. And the greatest impact will be the URBP, which has given our landscape architecture law more bite when disciplining licensees who violate the law.

In my ten years on the Board, we eliminated the plant identification section of the exam, adopted the supplemental review of the landscape architecture laws, and initiated and continued to offer exam reviews to candidates. We were one of the first states to offer candidate review of exams, something that many states still do not allow.

Our state Board keeps abreast of national issues relating to the LARE and licensure to ensure protection of public health, safety and welfare by regularly attending CLARB spring and annual meetings to discuss issues affecting state licensure and the future of landscape architecture. Some Board members have also actively participated in various exam writing committees and exam grading sessions.

This will be my last year serving on the Board, and I would like to acknowledge all those that I have had the privilege to serve with on the Board: G. Joann Lawson, Jeanne Batson, Bill Talley, Stuart Deysenroth, Shane DeWald, John Sweitzer, Chuck Warsinske and Thomas Sherry.

The landscape architecture profession is maturing, and the Board will always be an integral part of that growth. And for the landscape architects in the State of Washington, the next step may be their biggest – getting the Title Act changed to a Practice Act.

*Administrative services are provided to the Board by the Department of Licensing. The Department and the Board have a policy of providing equal access to its services. If you need special accommodation, please call (360) 664-1575 or TTY (360) 664-8885.*

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## Your Board Members:

**M. Jim Yamaguchi, ASLA**  
*Board Chair* ■ Mercer Island

**John T. Sweitzer**  
*Board Vice Chair* ■ Spokane

**Charles A. Warsinske, ASLA**  
*Board Secretary* ■ Seattle

**Shane E. DeWald, ASLA**  
Bellevue

**Thomas C. Sherry**  
Spokane

## Who Are The Landscape Architect Board Members?

As a licensed landscape architect or stakeholder, you may be interested in who the Board of Registration for Landscape Architects ("Board") members are, how the Board is constituted, what powers it possesses, and where and how often it meets.

Established in RCW 18.96.040, the five-member Board includes four registered landscape architects and one public member, all of whom are appointed by the Governor to serve five-year terms. The landscape architect members must be actively engaged in the profession and have at least five years of experience in responsible charge of work or teaching to be eligible for appointment to the Board, and the public member can have no professional or financial affiliation with a landscape architect.

**M. Jim Yamaguchi, ASLA, Board Chair**, a Mercer Island resident, holds a BLA degree from the University of Washington. He is a senior associate with Nakano Associates LLC in Seattle. His career began over 27 years ago at Glen Hunt-Jerald Bell and Associates. Since then, Jim spent several dry years in California and six cold ones in Alaska prior to resettling back in Seattle in 1989. His projects have included everything from parks, housing and urban design, to transportation projects, and even to remote

fishing sites up the Methow. Jim was first appointed to the Board in 1994 and his second and final term expires in September 2003.

**John T. Sweitzer, Board Vice Chair**, a Spokane resident, is the public member of the Board. He is the owner of Sweitzer Company, Inc., which offers commercial real estate appraisal, land use planning, and property management services. He has a degree in pre-law/political science from Gonzaga University. He has been a Washington state certified general appraiser for 13 years and also holds a Washington real estate license. He was the zoning administrator for the Spokane County Planning Department, and has been a land use planning consultant for 23 years. John was appointed to his first term on the Board in September 1999, that term expiring in September 2004.

**Charles A. Warsinske, ASLA, Board Secretary**, a Seattle resident, is Vice President of SB&A Landscape Architects in Seattle. He has a BS degree in horticulture/landscape architecture from Washington State University, and an MLA degree from the University of Washington. He is licensed in both Washington and Utah. Charles served two terms as Chapter President of WASLA. His early career included community, natural resource and economic planning throughout the Pacific Northwest and Alaska. He presently is managing a variety of design projects for local, regional and state governments. Charles was appointed to the Board in September 2000, that term expiring in September 2005.

**Shane E. DeWald, ASLA**, a Bellevue resident, has a BLA degree from the University of Idaho. She is currently the Senior Landscape Architect and manager of the Landscape Architect's Office for the City of Seattle Department of Transportation. The office provides in-house landscape architectural design and construction inspection services for public works transportation and drainage projects; reviews, approves, and inspects private development proposals and projects involving trees, landscaping, or related environmental elements in the street right of way; and manages more than 5 million square feet of landscaped property adjacent to roadways and trails. Shane was appointed to her first Board term in September 1996 and reappointed in September 2001, that term expiring in September 2005.



The Washington State Board of Registration for Landscape Architects is published annually.

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**Thomas C. Sherry**, a Spokane resident, has a BS in landscape architecture from Washington State University. He has been President of T.C. Sherry & Associates, P.S. Landscape Architects, since it was founded in 1995. He is licensed in both Washington and Montana. He is currently a Board Member for the WSU Interdisciplinary Design Institute in Spokane, and is a member of the Construction Specifications Institute. Tom has served in the profession since 1982, and is active in community revitalization work, recreational projects and educational projects. He was appointed to a first term on the Board in September 2002, his term expiring in September 2007.

The Board has the authority to adopt rules and regulations that have the force of law. This authority enables the board to establish practice and standards of conduct to which all practitioners must adhere, so that disciplinary action is avoided. The Board also has the authority to evaluate the qualifications of applicants and investigate complaints, and affect national landscape architectural registration standards.

The Board meets four times a year, once each at the University of Washington in Seattle and the WSU Interdisciplinary Design Institute in Spokane, so that they can meet landscape architecture students and respond to questions. The other two meetings are generally conference calls.

### The 2003 meeting schedule is:

**February 14:**  
Conference Call

**April 25:**  
Seattle  
(*University of Washington*)

**August 14:**  
Conference Call

**November 14:**  
Spokane  
(*WSU Interdisciplinary Design Institute*)

You are invited to attend Board meetings and give board members feedback on issues related to the licensing of landscape architects. Meeting agendas, locations, times and minutes can be accessed on the landscape architect website. ■

## A New Law Now In Effect That Applies To All Licensed Design Professionals, Effective January 1, 2003.

It is the Uniform Regulation of Business and Professions Act (URBP).

As a Washington licensed landscape architect or stakeholder, you should have received a copy of the landscape architect "lawbook" from the Board a couple of months ago. It includes the law and rules related to the practice of landscape architecture (Chapter 18.96 RCW and 308-13 WAC) and also now incorporates the URBP in 18.235 RCW.

The URBP was passed by the Washington Legislature in 2002 and became effective on January 1, 2003. The URBP standardizes the disciplinary process for the 25 businesses and professions regulated by the Business and Professions Division (BPD) of the Department of Licensing (DOL) by bringing them under a common administrative structure. The Health professions did this in the mid 1980's in an act called the Uniform Disciplinary Act (UDA).

### History / Background

BPD has 25 regulatory programs that license businesses and professionals through "preventive enforcement" by evaluating qualifications and, in the case of landscape architects and some other professionals, by testing applicants before issuing a license. This keeps unqualified individuals from entering practice, and reduces the likelihood that they might injure the public.

All of BPD's programs also have authority within their individual laws to protect the public in the practice of a profession or business. When consumers report violations of the law, the landscape architect program, like the other programs, must then conduct investigations of consumer complaints and enforce disciplinary actions, when appropriate, through administrative proceedings.

Prior to the URBP, the regulatory provisions of BPD's 25 programs for enforcement of disciplinary actions varied from nearly no enforcement authority to clear authority for some programs to suspend or revoke a license, issue monetary fines and pursue remedies for unlicensed practice. The landscape architect law, because it is a title act, is one program that had very little enforcement authority.

With the passage of the URBP, individual program laws pertaining to adjudicative procedures and grounds for disciplinary actions were amended to eliminate duplicative or inconsistent laws. That's why, when you look at the landscape architect law, you will see that some sections

have been repealed – the old clauses are not gone; they are just now covered in the URBP to eliminate duplication.

### Purpose

Combining all sanctions and disciplinary authorities into one law will result in easier administration. It also provides licensees practicing in the landscape architect profession with a clear definition of the standards to which they will be held. Most importantly, however, it provides consistent, fair and uniform rules that can be used by all the various licensing programs within BPD to ensure protection of the public.

Under the URBP, **members of the public** have:

- A clearer definition of the kinds of activities which constitute unprofessional conduct by licensees; and
- A uniform set of disciplinary sanctions that protect the public from unprofessional conduct.

In addition, **licensees** have:

- Notice of those behaviors that constitute grounds to initiate disciplinary actions; and
- An ability to use rehabilitation options in resolving concerns about the quality of their practice.

And, **the disciplinary authority (i.e., the Board)** has:

- More flexibility in the way disciplinary actions can be resolved;
- A uniform set of disciplinary sanctions that not only protect the public from unprofessional conduct, but also promote rehabilitation for individual licensees; and
- The ability to more effectively deal with unlicensed practice.

### The Importance Of Due Process

Of course, one essential element of democracy is the right to “due process,” guaranteed in the Fifth Amendment of the U.S. Constitution. The Fourteenth Amendment says that, “No state shall make . . . nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” Washington state’s own Constitution, in Article 1, Section 3, says that, “No person shall be deprived of life, liberty, or property, without due process of law.”

Procedural due process protects the rights of licensees and those practicing without a license by granting them fundamental rights such as the right to be heard, the right to be notified, meaningful notice and opportunity to be heard, and the appearance of fairness. You can be assured

that due process will be afforded to any licensed or unlicensed individuals during any administrative proceeding.

If you’d like to read the entire contents of the URBP (it’s good reading!), go to the Board website listed on page two of this newsletter and click on the URBP under “Quick Clicks.” ■

## Practice Act In Washington

Over the past couple of years, there have been rumblings in the landscape architectural community about the pursuit of a “Practice” Act. As most are aware, we currently have a “Title” Act in this state. The difference between the two is that a Title Act limits the use of the title “landscape architect” and similar derivatives to only licensees, whereas a Practice Act requires anyone providing landscape architectural services to be licensed. Most state licensing laws are a combination of both, meaning it is illegal to refer to yourself as a landscape architect or to offer or provide landscape architectural services unless you are licensed. Our Title Act allows licensees to call themselves landscape architects but anyone can practice landscape architecture in the state of Washington.

A group of practitioners is investigating the merits of the pursuit of a Practice Act. These landscape architects will initially investigate how well the current Title Act is protecting the health, safety and welfare of the citizens of the State of Washington and asking the basic question, “Do we need a Practice Act in Washington?” This is also a wonderful opportunity to look at the current act, how it is administered, the cost of the administration and how the Board operates and functions.

Based on the experience of other states, moving from a Title Act to a Practice Act generally is a multi-year process. The first year is one of organizing and strategizing. Brain storming sessions are held, questions are asked and answered, goals and objectives are set, budgets are established and contacts are made. The drafting of legislation is also started, if that is what is determined is needed.

The second year builds momentum and solidifies relationships. Fund raising, public awareness and communication is key during the second year. Contacting stakeholders and opposition groups to discuss legislative language and forming a legislative strategy occurs in the second year. Making contact with local legislators and seeking legislative sponsors also can occur in the second year.

Typically, the third year brings a call to action. The bill is introduced while communication is maintained with landscape architects and allied professions to develop support or at least neutrality. As the bill works its way

through the legislative process, continued efforts on all fronts will be necessary to ensure its successful passage.

This is not an easy or a short-term venture, nor will it be successful without support and enthusiasm. Do we need a Practice Act, and how will it benefit the health, safety and welfare of the citizens of Washington? As landscape architects, we are best prepared to answer these questions. Please contact Bob Harding, ASLA, at D.A. Hogan Associates, Telephone (206) 285-0400; Fax (206) 285-0408; or bobh@dahogan.com for more information on how you can be involved in the effort to investigate these questions. ■

## Please Stand Up!

The words “publish or perish” may be familiar, yet only remotely applicable, to most Landscape Architects. Commonly heard in reference to professionals in the academic world, these words aptly describe the pressure to publicize valuable research or exploratory work, but seem exclusive to “academic types only.” *Why?*

Given the evolution of our profession from an early focus on garden design to its current broad-reaching applications in the areas of planning, urban design, environmental management, etc., there is a lot to keep up with! Though it may seem like just “one more thing” added to a list that is already out of control, the challenge to “keep up” is not met if landscape architects go unrecognized for important contributions to projects simply because publishing information about our work is a low priority.

Creative application of cutting edge ideas to improve the public safety and/or environmental outcomes of projects is an everyday response to everyday challenges for most, if not all, of us in the profession of landscape architecture. “Sharing the wealth” via publication of articles about projects you design or construct that apply emergent technology is an important way to contribute to the growth of your profession and to increase the competency of practitioners as a whole. The value of your investment, as a passive form of continuing education to benefit both practitioners and the profession, is clearly there.

The Washington State Board of Registration for Landscape Architects would like to invite you to contact us regarding newspaper or magazine articles (or any other media coverage) promoting work that responds in a unique way to environmental or public health safety and welfare challenges. Please submit the publication, date and/or issue number and title of the article, along with a one or two

sentence description of the content to facilitate listing in the “PLEASE STAND UP!” segment.

Please check out the articles listed in this edition to get an idea of what we would like to see, and to hopefully inspire you to stand up and be counted for the great work that you do for the citizens of the State of Washington! ■

## “PLEASE STAND UP”

### A listing of current media coverage of work by Landscape Architects

■ **Pacific Northwest** (The Seattle Times Magazine), February 23, 2003, Changing Visions Part 3 “Havens of Healing:” an article by Valorie Easton covering current work by students under the leadership of Daniel Winterbottom, associate professor of Landscape Architecture at the University of Washington, to create therapeutic “healing garden” environments that promote recovery of patients. Content includes photo illustrations and information about the design process applied to target and meet the needs of those served by the installations.

■ **Cities** (an international journal focused on urban planning), Issue # 20/2, April 2003, “Working Proactively With Developers to Preserve Urban Trees:” An article co-authored by Landscape Architect Shane DeWald and Forester Bill Ames covering collaborative tree preservation work by the Seattle Department of Transportation (SDOT) and the Department of Design, Construction, and Land Use (DCLU). Content includes photo illustrations in addition to both administrative and technical information to ensure successful outcomes that contribute to the safety of the transportation corridor and benefit the environment.

■ **Landscape Architect and Specifier News**, August 2002 Streetscapes, “A Sea Of Change:” An article by Sean Stowell covering application of new technology to protect salmon habitat via reduction in runoff from city streets in a way that enhances the neighborhood both visually and socially, while providing a safer environment for both pedestrians and vehicles. Content includes photo illustrations along with background and technical information associated with Landscape Architectural design, street design, and drainage design.

